

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**XAVIER ESTEVE**  
Junior Party  
(Patent 6,088,924)<sup>1</sup>

v.

**CARLO DALL'AGLIO** and **RICCARDO CIPRIANI**  
Senior Party  
(Application 09/875,137)<sup>2</sup>

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Patent Interference No. 105,615 (JL)  
(Technology Center 2800)

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Before LEE, LANE and MEDLEY, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

**Judgment -- Sanctions -- Bd. R. 128(b)(8)**

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<sup>1</sup> Based on Application 09/043,889, filed March 31, 1998. The real party in interest is ETAMIC SA. Accorded the benefit of PCT/FR96/01545, filed October 3, 1996, and French Application 95/11784, filed October 6, 1995.

<sup>2</sup> Filed June 7, 2001. The real party in interest is MARPOSS SOCIETA' PER AZIONI. (Paper 4). Accorded the benefit of Application 09/533,784, filed March 24, 2000; Application 09/011,928, filed February 24, 1998; PCT/EP96/04147, filed September 23, 1996; Italian Application B095A000469, filed October 3, 1995.

1 A telephone conference was held on June 18, 2008, between the patent judge  
2 and Mr. Paul Lewis who represents junior party Esteve and Mr. Mark Thronson  
3 who represents senior party Dall'Aglia. Counsel for the junior party informed the  
4 patent judge that the junior party does not wish to proceed and will not take any  
5 action or file any paper in this interference. Consistent with that representation, to  
6 this date the junior party has not filed any of the formal and substantive papers  
7 required by the Notice Declaring Interference (Paper 1). The initially schedule  
8 conference call for June 17, 2008, had to be cancelled because the junior party did  
9 not file a list of proposed motions it seeks to file. Based on the foregoing, and in  
10 particular on counsel's representation that the junior party declines to take any  
11 action in the case, it is now time appropriate to enter judgment against junior party  
12 Esteve for failure to prosecute the interference. It is

13 **ORDERED** that judgment as to the subject matter of Count 1 is  
14 herein entered against junior party XAVIER ESTEVE;

15 **FURTHER ORDERED** that claims 1-4 and 12 of junior party's  
16 involved Patent 6,088,924, which correspond to the count, are herein cancelled;

17 **FURTHER ORDERED** that if there is a settlement agreement, the  
18 parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

19 **FURTHER ORDERED** that a copy of this judgment be placed in the  
20 respective involved application or patent of the parties.

Interference No. 105,615  
Esteve v. Dall'Aglia

cc (via electronic mail):

Attorney for Junior Party Esteve:

Mr. Paul C. Lewis, Esq.  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100E  
Falls Church, VA 22042-1248  
Tel: 703-205-8000  
Fax: 703-205-8050  
Email: mailroom@bskb.com

Attorney for Senior Party Dall'Aglia:

Mark J. Thronson, Esq.  
Thomas J. D'Amico  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, N.W.  
Washington, D.C. 20006-5403  
Tel: 202-420-2232  
Fax: 202-420-2201  
Email: thronsonm@dicksteinshapiro.com  
Email: damicot@dicksteinshapiro.com